

**LEEDS
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August 14, 2007

Via ECF

Honorable William C. Conner
United States District Court
Southern District of New York
300 Quarropas Street, Room 630
White Plains, New York 10601

RE: *Henry v. Wyeth Pharmaceuticals, Inc., et al.*
05-cv-8106 (WCC)(LMS)

Dear Judge Conner:

We represent the plaintiff in the above-referenced matter. On August 13, 2007, this case was reassigned to you in the wake of Judge Casey's passing, and pursuant to the order of Judge McMahon. We write to you simply to offer a brief history of the case, and to request that a date be scheduled for the trial of this matter.

Plaintiff, a former employee of Defendant Wyeth Pharmaceuticals, Inc. ("Wyeth"), commenced this action on September 20, 2005 against Wyeth, Walter Wardrop, Michael McDermott, and Andrew Schaschl for employment discrimination based upon race and color in violation of Title VII of The Civil Rights Act of 1964 (42 U.S.C. § 2000e-2 *et seq.*), The Civil Rights Act of 1866 (42 U.S.C. § 1981), and The New York State Human Rights Law (N.Y. Exec. Law § 290 *et seq.*). By Stipulation and Order dated February 18, 2006, Andrew Schaschl was dismissed as a defendant.

Upon completion of discovery, Defendants moved for summary judgment, which motion was granted in part and denied in part by the Decision and Order of Judge Colleen McMahon dated July 26, 2007.

Additionally, pursuant to the Order of Judge McMahon, the parties have each submitted proposed jury instructions and voir dire questions; the parties have consented to and submitted a proposed joint pretrial order; and the Defendants submitted a trial memorandum of law and a special verdict form.

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In light of the foregoing, we consider this case ready for trial, and we respectfully request that the Court set a date for jury selection and the trial of this matter at Your Honor's earliest convenience. The parties have engaged in settlement discussions throughout the course of this litigation, but it seems that settlement is not likely at this point. Of course, the parties will continue to discuss settlement while the Court considers our request.

We also remain available for a conference to discuss this matter with Your Honor further if he so desires. Thank you for your time and attention to this matter.

Very truly yours,

/s/
Steven A. Morelli (SM 4721)
Of Counsel

cc: James H. McQuade
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